



Clinical practice

The laundry foetus; disposal of human remains, the Anatomy Act 1984 and the Human Tissue Act 2004

Robert Bruce-Chwatt MBBS, MFTM RCPS (Glasg.), Senior FME, Metropolitan Police

1, York Road, Richmond, Surrey TW10 6DR, United Kingdom

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ABSTRACT

Careless attention to the disposal of human remains resulted in this case of the foetus in the laundry; an error of omission. Deliberate illegal abstraction of human remains such as was practiced by Professor van Velzen; an error of commission. These and other matters including the public dissection by Professor Gunther von Hagens are discussed with the relevant UK laws and regulations. The intriguing question raised in the BMJ from a recent amputee: "Can I cremate my own leg?" is mentioned. The answer was no.

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*"Dr Günter von Hagens flew into controversy in 2002 when he performed the first public autopsy in Britain for 170 years. Police officers sat in the packed audience to determine whether he was in breach of the 1984 Anatomy Act. No charges were brought."*¹

The treatment and then disposal of human remains had not always been regulated in the United Kingdom until the provisions of the Anatomy Act of 1832, which was then replaced by the Anatomy Act of 1984. Before this, the Murder Act of 1752 allowed only for the bodies of those who been executed for murder to be dissected as an added penalty since the body would not then be buried intact, being thus "unable to enter Heaven". The increasing interest in science and medicine meant that there were too few bodies to be dissected and the Anatomical Society, founded in 1810, pressured the Government to change the law. A select committee in 1828 recommended that this should happen, with the resultant first Anatomy Act of 1832. The delay was due to a great deal of opposition from the Church and many others. As part of the new Act, the law relating to murderers being dissected was repealed. At present access to corpses for medical teaching purposes in England & Wales is governed by the Human Tissue Authority. In Scotland this is governed by the amendments to the existing Anatomy Act 1984, and Scotland still retains an official Inspector of Anatomy. The 1984 Anatomy Act, the Human Tissue Act 1961 and the Human Organ Transplants Act 1989

have now all been repealed and replaced by The Human Tissue Act (2004), as they relate to England & Wales.²

This Act was brought in due to the revelations of the wholly unacceptable practices at Bristol Royal Infirmary and the Royal Liverpool Children's Hospital (Alder Hey), the latter hospital involving Professor Dick van Velzen. Inquiries at these two hospitals established that both organs and histological tissue from children who had died there had very often been removed, stored and then used without any proper consent, or more often no consent at all between 1988 and 1994. There is no such thing as "presumed consent" as s.15 of the Code of Practice of the Human Tissue Act 2004 clearly reminds us.³

The General Medical Council eventually found 46 out of the 48 charges proven against Professor van Velzen, struck him off the Register and he returned to the Netherlands.

Not very surprisingly, further enquiries by the Chief Medical Officer for England in 2000, the Northern Ireland report of the Human Organs Inquiry in 2002 and then the Isaacs Report of 2003, all showed that the storage and abuse of organs and tissue from both adults and children without proper consent had been widespread and widely accepted by many pathologists and sadly, by a very few, casually defended.

This case, of a dead foetus found in bed sheets at the Sunlight Laundry, Acre Lane, Brixton, SW9, occurred at a date when the provisions of the Anatomy Act 1984 were still in force, on Thursday, December 13 2001.

E-mail address: robert@bruce-chwatt.fsnet.co.uk

1. Case history

On Thursday, 13/12/2001 a dead foetus was found in a batch of processed washing at The Sunlight Laundry at 125 Acre Lane, Brixton, London, SW9. It was understood that the foetus had been through the full wash cycle and was thought to have come from a local hospital with some theatre sheets and scrubs, having been mislaid in either theatre, the labour ward or mortuary with the soiled laundry.

On visual examination the body of a foetus, estimated by Haase's rule,⁴ to be 5–6 months old, was quite obviously dead. The body was bright pink, the ruler showing the curled up foetal body to be approximately 20 cm × 12 cm, with an estimated crown-heel length of 27 cm. Injuries appeared to include: a possible depressed skull fracture; a fracture dislocation of the left ankle; a fracture of the right wrist and forearm and partial evisceration of both the abdomen and the thorax. When these injuries had occurred was a matter of conjecture, however, these were assumed to be the result of the tumbled double boil wash that the foetus had been through. It was not possible at this time to give either the race of the foetus nor the sex.

There was no evidence one way or the other, visually, as to the foetus having been born alive and drawing breath. This would be revealed at the post-mortem and, since the likelihood was that these human remains had come from a hospital, it would not take too long to obtain a name and medical history for the unfortunate infant. It was judged to be either a premature birth, a stillbirth, a very late medically induced abortion, a late natural miscarriage or, though unlikely, an illegal abortion. Life was legally pronounced extinct, possibly a second time, at 09:43 h on 13/12/2001 and the coroner informed.



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2. Estimation of maturity

This is a matter to be judged more accurately at the post-mortem and is necessary, both as matter of record, but also as a legal requisite in those jurisdictions requiring proof of viability before there is a decision of stillbirth or infanticide. Morphological measurements are not infallible indicators of age, being varied by sex, race and nutritional factors however, for the on-site FME, the use of Haase's rule⁴ for foetal age and size is not an unreasonable rule-of-thumb: "Up to the 20th week, the crown-heel length in centimetres is the square of the gestational period ($\text{Crown-heel} - X \text{ cm}^2$) in lunar months. Beyond the 20th week, the crown-heel length in centimetres divided by five ($\text{Crown-heel} - X \text{ cm}/5$) gives the age in calendar months."

3. Discussion

The following day, Friday 14 December 2001, the first of several press reports appeared in the Evening Standard under the headline of: *Baby found dead at Laundry*, and reported the estimated foetal gestational age at seven months.

"A baby has been found dead among hospital laundry in London. Scotland Yard were called just after 5am yesterday after report of a "human foetus" at the Laundry in Acre Lane, Brixton. Police are checking which hospitals provide the unit with laundry. One report said the body was that of a foetus of about seven months gestation. They are trying to establish whether the baby was born naturally or as a result of a miscarriage or abortion. A post-mortem will be carried out today".⁵

The story, further sensationalised in the tabloids, continued over the days until a more measured report in The Times gave the following details:

The body was that of a baby boy, J. K., who had died one hour after being born at Queen Mary's Hospital, Sidcup. He had been born at 23 weeks gestation, some 17 weeks prematurely, his weight at birth having been 1lb 1oz.

After death the child had been wrapped in a sheet and taken to the mortuary and placed in a refrigerated drawer. Next to the drawer was a bag for laundry from the mortuary and the wrapped body had accidentally been transferred to the laundry bag. From there it had been taken to the Sunlight laundry, Brixton and had been put through a boil wash. The father, aged 36, and mother, aged 25, were both named, the latter being a Spanish national who had since returned to Spain to recover.⁶

4. Disposal of human remains

The law and rules for the disposal of human remains, either body parts or the whole body, are contained in the Burial Laws Amendment Act 1880. Illegally induced or criminal abortions (s.58 and s.59, Offences against the Persons Act, 1861) can be at any gestational time and such remains are, because of their origin, always disposed of illegally. A body or body part⁷ comes under the definition of "clinical waste" and can only be disposed of under the provisions of the Control of Pollution Act (1974) and Environment Protection Act 1990.

Cremations are in accordance with the statutory requirements of the Cremations Act 1902, 1952, as amended by the Cremation (Amendment) Regulations, 2006, with either scattering or burial of the ashes. Legal burial of a whole body can be either in the ground in an authorised burial place, or other suitable space where it will not contaminate surface or ground water, with no coffin buried with less than 30 inches of soil between the surface of the ground and the upper part of the coffin, as specified in section 103 of the Burial Act 1847.

Burials at sea conceal or destroy the evidence, though bodies disposed of in cold, fresh-water lakes and rivers have a tendency to

be better preserved and then found. Gordon Park, 64, was jailed for life in 2005 for killing his wife Carol in 1976, then putting her body, wrapped in a carpet and weighted with an outboard engine, into Coniston Water. Burials at sea have occasionally been revealed as murder. In the Walker case in 1996 a decomposed body with an anchor tied to the torso was found off the South Coast. The only real identity clues were a Rolex watch and a maple leaf tattoo. The body was finally identified by the serial number of the watch from the records held at Rolex in Switzerland, though no clue proved more helpful to finding the murderer than the 10-lb anchor to which Mr Walker was attached. Burials of a good sized family dog at the end of the garden sometimes cause murder alerts when the site of a large old house is re-developed for flats. This can be further confused when the same dog has buried a number of bones and shoes during its life time at the location, although neat band-saw markings on some of the larger bovine bones found along with the canine remains are usually the mark of a friendly 1970s family butcher, rather than that of the DIY murderer of the 2000s.

Conflict of interest

None declared.

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Ethical approval

Not required.

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